

REMARKS

Entry of this amendment and reconsideration of this application, as amended, are respectfully requested.

Claim 17 has been amended to add a paragraph break simply to make the method steps more clear. The scope of the claim ha not been changed in any manner.

Claims 8-10 and 13 were rejected under 35 U.S.C. §103(a) over the combination of Hansen and Clifford. Claims 11-12 were rejected under 35 U.S.C. §103(a) over Hansen, Clifford and Bittner. Claim 14 was rejected under 35 U.S.C. §103(a) over Hansen, Clifford and Oei. Claims 15 and 16 were rejected under 35 U.S.C. §103(a) over Hansen, Clifford and Shaw. Applicants respectfully traverse.

Hansen teaches, at col. 1, lines 55-56, that "...while maintaining certain conditions in the working bath, and in makeup, it is permissible to add more free P₂O₅ than that which would correspond to the phosphation equilibrium in the working bath, without disadvantageously affecting the layer-forming properties of the bath." Thus, Hansen teaches that his specific disclosed ranges and ingredients are required, and are not to be changed.

Therefore, one of skill in the art would not modify Hansen in any manner to deviate from the disclosed formulation ingredient ranges, nor would they add additional ingredients. Therefore, one of skill in the art would not modify Hansen with Clifford to add nitroguanidine, since Hansen is very specific with respect to his formulations.

Specifically as to claim 23, although Hansen reports that manganese carbonate is sometimes used to buffer excess acid (see col. 1, line 34-38) Hansen teaches away from neutralizing acid, and, in fact, teaches that it is permissible to add more free P₂O₅ under the specific conditions cited in Hansen (see col. 1, lines 33-66).

Therefore, this rejection must be withdrawn.

Furthermore, Applicants reiterate that advantages of the presently claimed invention include, generally, improved process time and improved gassing properties. Treatment time for a part to be coated is only about half of the time if nitroguanidine is added. Typically, e.g., 18 min – 12 min of pickling time and 6 min of coating time were required. With nitroguanidine about 9 min – 6 min picking time and 3 min coating time are required. The pickling process is conducted with an acidic solution: If there is a beginning coating the pickling and gassing effect (generation of H and H₂) can destroy the coating again. During the strong pickling in the pickling time, the hydrogen gas is going out which is well seen by gas bubbling (gassing time). Only after the pickling period, when the solution is not as acidic, is the phosphate coating is developed. Since there is a decreased time and volume of hydrogen gas with the method of the present invention, the risk of making steel more brittle with hydrogen gas (gassing) is lowered too.

Furthermore, it is believed that the Rule 132 Declaration of Ralf Schneider submitted herewith provides the Examiner with answers raised with respect to his previously filed Declaration; and so it is believed to overcome any of the 35 U.S.C. §103(a) rejections raised based all or in part on the combination of Hansen and Clifford.

Additionally, with respect to the rejection of claims 11-12 over Hansen, Clifford and Bittner, please note that Bittner only relates to coating a galvanized or alloy galvanized side, while the present claims relate to the coating of iron or steel surfaces. Furthermore Bittner relates to zinc or zinc manganese phosphating, which is different from the claimed manganese phosphating process.

Furthermore, Applicants invite the Examiner to reconsider all of the Declarations of Ralf Schneider and Klaus-Dieter Nittel which is self-explanatory and support the foregoing.

In view of the foregoing, withdrawal of all rejections is believed to be proper.

Allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed to our Deposit Account No. 50-0624 under Order No. NY-CHEMKT-206.1-US.

Dated: May 13, 2009

Respectfully submitted,

By James R. Crawford

James R. Crawford

Registration No.: 39,155

FULBRIGHT & JAWORSKI L.L.P.

666 Fifth Avenue

New York, New York 10103

(212) 318-3000

(212) 318-3400 (Fax)

Attorneys for Applicant